

REMARKS

Claims 23 – 38 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 18 – 20 and 29 – 35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

The Examiner rejected claim 18 asserting that there was insufficient antecedent basis for the term “its”. Claim 18 has been cancelled herein without prejudice or disclaimer of the subject-matter contained therein. Therefore, the rejection has been rendered moot.

Claim 29 stands rejected based on the phrase “coupled to the other of said side rail and said support rail”. Claim 29 has been amended herein to read, in pertinent part, “coupled to said side rail”. Applicants respectfully assert that this amendment resolves any indefiniteness in Claim 29. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner has rejected Claim 32, stating that the phrase “coupled to the other of said seat back and said seat bottom” is unclear rendering the scope of the claim indefinite. Applicants respectfully note that by reading this phrase in the context established by the preamble, the phrase is rendered definite. In particular, the

preamble provides "a housing coupled to one of the seat back and the seat bottom". Thus, the preamble definitively establishes that the housing can be coupled to either the seat back or the seat bottom. The body of the claim provides that "said second end [is] adapted to be coupled to the other of the seat back and the seat bottom." Read in context, Claim 32 defines the second end as being coupled to either the seat back or the seat bottom, depending on which component the housing is coupled to. For example, if the housing is coupled to the seat back, then the second end is coupled to the seat bottom (the "other" of the seat back and seat bottom). In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

REJECTION UNDER 35 U.S.C. § 102

Claims 13, 16, 23, 27, 32 and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Robinson (U.S. Pat. No. 5,718,482). This rejection is respectfully traversed.

At the outset, Applicants respectfully note that Claims 13 and 16 have been cancelled without prejudice or disclaimer of the subject-matter contained therein. Thus, the rejections based on these claims has been rendered moot.

With regard to Claim 23, Applicants note that Claim 23 has been amended herein to include "at least three pairs of substantially planar diametrically opposed and parallel flats" and "a stop formed from a plurality of said flats." These features are unique to the present invention and provide advantages in manufacturing and strength of the recliner rod (see specification, page 7, lines 21 – 25). Applicants respectfully note Robinson fails to disclose "at least three pairs of substantially planar diametrically

opposed and parallel flats” and “a stop formed from a plurality of said flats.” Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claim 27 is dependent on Claim 23, which defines over the prior art as discussed immediately above. Therefore, Claim 27 also defines over the prior art. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claim 32 has been amended herein to include “at least three pairs of diametrically opposed and substantially parallel flats” and “a stop integrally formed from a bottom flat at said first end.” These features are unique to the present invention and provide advantages in manufacturing and strength of the recliner rod (see specification, page 7, lines 21 – 25). Applicants respectfully note Robinson fails to disclose “at least three pairs of diametrically opposed and substantially parallel flats” and “a stop integrally formed from a bottom flat at said first end.” Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claim 34 is dependent on Claim 32, which defines over the prior art as discussed immediately above. Therefore, Claim 34 also defines over the prior art. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 23, 27 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dahlbacka (U.S. Pat. No. 5,344,215). This rejection is respectfully traversed.

As discussed above, Claim 23 has been amended herein to include “at least three pairs of substantially planar diametrically opposed and parallel flats” and “a stop formed from a plurality of said flats”. Robinson fails to anticipate such features. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 27 and 28 depend from Claim 23, which defines over the prior art as discussed immediately above. Therefore, Claims 27 and 28 also define over the prior art. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 – 3, 5, 8, 10, 11, 16, 17, 24, 25, 29 – 31 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson (U.S. Pat. No. 5,718,482) in view of Griswold et al (U.S. Pat. No. 5,299,853). This rejection is respectfully traversed.

At the outset, Applicants respectfully note that Claims 1 – 3, 5, 8, 10, 11, 16 and 17 have been cancelled herein without prejudice or disclaimer of the subject-matter contained therein. Therefore, the rejections of these Claims have been rendered moot.

Claims 24 and 25 depend from Claim 23, which defines over the prior art as discussed in detail above. Therefore, Claims 24 and 25 also define over the prior art. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 29 has been amended herein to include “at least three pairs of substantially planar flats” with “a substantially planar bottom flat ... having a stop formed therein.” As noted above, these features are unique to the present invention and provide advantages in manufacturing and strength of the recliner rod (see specification, page 7, lines 21 – 25). Applicants respectfully note Robinson is deficient in that it fails

to anticipate such features. Applicants further note that Griswold fails to cure the deficiencies of Robinson as it also fails to teach such features. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 30 and 31 depend either directly or indirectly from Claim 29, which defines over the prior art as discussed immediately above. Therefore, Claims 30 and 31 also define over the prior art. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 35 is indirectly dependent on Claim 32, which defines over the prior art as discussed above. Therefore, Claim 35 also defines over the prior art. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 4, 7, 14, 26, 28 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson (U.S. Pat. No. 5,718,482) in view of Griswold et al (U.S. Pat. No. 5,299,853) and further in view of Dahlbacka (U.S. Pat. No. 5,344,215). This rejection is respectfully traversed.

Claims 4, 7 and 14 have been cancelled herein without prejudice or disclaimer of the subject-matter contained therein. Therefore, the rejections of these Claims have been rendered moot.

Claims 26 and 28 depend from Claim 23, which defines over the prior art as discussed above. Therefore, Claims 26 and 28 also define over the prior art. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 33 is dependent on Claim 32, which defines over the prior art as discussed immediately above. Therefore, Claim 33 also defines over the prior art. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 18 – 20 and 36 – 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson (U.S. Pat. No. 5,718,482). This rejection is respectfully traversed.

Claims 18 – 20 have been cancelled herein without prejudice or disclaimer of the subject-matter contained therein. Therefore, the rejections of these Claims have been rendered moot.

Claim 36 has been amended herein to include “forming a recliner rod blank having a first end, a second end, and at least three pairs of flats including a bottom flat substantially parallel to a top flat” and “deforming said bottom flat at said first end of said blank to define a stop.” Robinson fails to teach or suggest such features or even render obvious forming such features in a recliner rod. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 37 and 38 depend from Claim 36, which defines over the prior art as discussed above. Therefore, Claims 37 and 38 also define over the prior art. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: Michael Malinzak
Michael Malinzak
Reg. No. 43,770

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

ATTACHMENT FOR CLAIM AMENDMENTS

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

23. (AMENDED) A linear seat recliner for use in a motor vehicle having a seat with a seat back pivotally connected to a seat bottom, the seat being operable in a plurality of use positions ranging from an upright position to a fully reclined position, the linear seat recliner comprising:

a housing adapted to be coupled to one of the seat back and the seat bottom;

a latching mechanism coupled to said housing and actuatable relative said housing between a latched position and an unlatched position; and

a recliner rod including a body having [a first end and a second end, said body having] at least three pairs of [five sides including a] substantially planar [top flat] diametrically opposed and parallel flats [to a substantially planar bottom flat], [said] a top flat including a plurality of teeth positioned at said first end of said body, and a stop formed from a plurality of said flats, said plurality of teeth of said recliner rod selectively engaged with said latching mechanism [when said latching mechanism is in said latched position and said second end of said recliner rod adapted to be coupled to the other of the seat back and the seat bottom; and

wherein said latching mechanism prevents relative axial movement of said recliner rod when in said latched position and said latching mechanism allows relative axial movement of said recliner rod when in said unlatched position].

24. (AMENDED) The linear seat recliner of Claim 23 wherein said recliner rod is adapted for sliding from a first position corresponding to the fully reclined position to a second position corresponding to the upright position, said [recliner rod including a] stop engaging said housing when said recliner rod is in said first position.

25. (AMENDED) The linear seat recliner of Claim 23 [24] wherein said stop is integrally formed in said recliner rod and orthogonally extends from a bottom flat that is diametrically opposed and parallel to said top flat.

27. (AMENDED) The linear seat recliner of Claim 23 wherein said housing includes a guide mechanism supporting a [said] bottom flat of said recliner rod.

28. (AMENDED) The linear seat recliner of Claim 23 wherein said [top flat and said bottom flat] flats extend substantially between said first and second ends.

29. (AMENDED) A reclining seat assembly comprising:

a seat bottom having a side rail;

a seat back having a support rail pivotally coupled to said side rail;

a linear seat recliner including a housing secured to said support rail;

a recliner rod having a first end supported for relative linear motion within said housing and a second end having an aperture, said recliner rod having at least three pairs of [five sides including a] substantially planar flats, a top flat having a plurality of

teeth formed therein and a substantially planar bottom flat positioned parallel thereto and having a stop formed therein, said second end pivotally coupled to [the other of] said side rail [and said support rail]; and

a latching mechanism coupled to said housing and actuatable relative said housing between a latched position where said latching mechanism engages said teeth to prevent relative axial movement of said recliner rod and an unlatched position where said latching mechanism allows relative axial movement of said recliner rod.

30. (AMENDED) The reclining seat assembly of Claim 29 wherein said [recliner rod includes a] stop radially [protruding] protrudes from said bottom flat [first end] for restricting the linear motion of said recliner rod relative to said housing.

31. (AMENDED) The reclining seat assembly of Claim 30 wherein said bottom flat is diametrically opposed and parallel to said top flat [stop is integrally formed to said first end of said recliner rod].

32. (AMENDED) A recliner rod for a linear seat recliner for use in a seat having a seat back pivotally connected to a seat bottom, the seat operable in a plurality of use positions ranging from an upright position to a fully reclined position, the linear seat recliner having a housing coupled to one of the seat back and the seat bottom, the linear recliner mechanism also having a latching mechanism coupled to the housing, the recliner rod comprising:

a body having a first end and a second end, said body further having at least [five sides including a top flat] three pairs of diametrically opposed and substantially parallel [to a bottom flat] flats;

a paddle integrally formed with said body at said second end;

a stop integrally formed [with said body] from a bottom flat at said first end;

a plurality of teeth [positioned on said] formed in a top flat, said plurality of teeth adapted to be engaged by the latching mechanism, said second end adapted to be coupled to the other of the seat back and the seat bottom.

33. (AMENDED) The recliner rod of Claim 32 wherein said top and bottom flats are diametrically opposed and parallel and extend from said first end to said second end.

34. (AMENDED) The recliner rod of Claim 32 wherein said stop is adapted to engage the housing to limit the travel of said recliner rod relative to the housing.

35. (AMENDED) The recliner rod of Claim 34 wherein said stop is adapted to engage the housing when the seat is in the fully reclined position.

36. (AMENDED) A [The] method of forming a recliner rod for a linear seat recliner for use in a seat having a seat back pivotally connected to a seat bottom, the seat being operable in a plurality of use positions ranging from an upright position to a fully reclined position, the linear seat recliner having a housing coupled to one of the seat back and

the seat bottom, the linear recliner mechanism also having a latching mechanism coupled to the housing, the method comprising the steps of:

forming [providing] a recliner rod blank having a first end, a second end, and at least three pairs of flats [five sides] including a bottom flat substantially parallel to a top flat;

deforming said second end of said blank to define a paddle adapted to be coupled to the other of the seat back and the seat bottom;

deforming said bottom flat at said first end of said blank to define a stop adapted to engage the housing when the seat is in its fully reclined position; and

forming a set of teeth on said top flat, said set of teeth adapted to be selectively engageable by the latching mechanism.

37. (AMENDED) The method of Claim 36 wherein said step of forming [providing] said recliner rod blank includes extruding said blank.